

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) **LOREZ R. BRIGGS, as Next of Kin, for)
the Estate of Lorez R. Chambers,)
deceased.)
)**

(2) **MICHAEL R. BRIGGS, as Next of Kin,)
for the Estate of Lorez R. Chambers,)
deceased.)
)**

**Plaintiffs,)
)**

vs.) **Case No. 16-CIV-16-0943-HE**
)

(3) **OKLAHOMA COUNTY BOARD OF)
COMMISSIONERS, ex. rel.)
OKLAHOMA COUNTY JAIL,)
Oklahoma County, State of Oklahoma)
)**

Defendants.)

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff agrees with Defendant's Statement of Procedural Background except for the assertion that Plaintiff brings a 42 U.S.C. § 1983 claim in addition to a Bosh state law claim. Plaintiff's only stated cause of action at page 3 and 4 of the Amended Complaint is titled as follows:

**PLAINTIFF'S FIRST CAUSE OF ACTION
Bosh Claim and Excessive Force
OK Const. Art. 2 & OK Const. Art. 2 & 30**

Paragraphs 25 and 26 are scriveners errors and not intended to bring a 42 U.S.C. § 1983 claim which this Court has already dismissed.

Proposition I

PLAINTIFF REQUESTS THE COURT DISMISS HIS BOSH CLAIM WITHOUT PREJUDICE TO REFILING IN STATE COURT DUE TO THIS COURT'S LACK OF SUPPLEMENTAL JURISDICTION.

Plaintiff agrees with Defendant's argument under Proposition VI of its brief. As Plaintiff has not brought a 42 U.S.C. § 1983 claim, supplemental jurisdiction does not exist for a Bosh Claim. Consequently, Plaintiff requests his Bosh claim be dismissed without prejudice to be refiled in State Court¹

Respectfully,

s/Rand C. Eddy
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¹ In the interests of judicial economy, although Plaintiff disagrees and opposes Defendants' remaining arguments, in its brief, he will not address them needlessly in view of his request for dismissal without prejudice.

CERTIFICATE OF SERVICE

I hereby certify that on January 5th, 2017, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

s/Rand C. Eddy
Rand C. Eddy